

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR**

**TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936**

**WP(C).No. 2378 of 2015 (V)**  
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**PETITIONER :**  
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**ANILKUMAR, AGED 56 YEARS,  
S/O.PURUSHOTHAMAN, MANGALATHU VEEDU,  
THOTTAKKADU P.O., KALLAMBALAM,  
THIRUVANANTHAPURAM.**

**BY ADV. SRI.M.TRIPTEN**

**RESPONDENTS:-:**  
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**1. BRANCH MANAGER,  
ORIENTAL BANK OF COMMERCE, T.C.NO.13/1617 (506)  
SOBHA COMPLEX, KUMARAPURAM, MEDICAL COLLEGE P.O.  
THIRUVANANTHAPURAM - 695 011.**

**2. REGIONAL MANAGER,  
ORIENTAL BANK OF COMMERCE, REGIONAL OFFICE,  
1ST AND 2ND FLOOR, NO.100, MOSQUE ROAD,  
FRAZER TOWN, BANGALORE - 560 005.**

**R1 & R2 BY ADV. SRI.SAJI P.JOSEPH, SC,**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 17-03-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**bp**

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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- P1: TRUE PHOTOCOPY OF THE RECEIPT ISSUED BY THE RESPONDENT BANK  
DT. 22.1.14.
- P2: TRUE PHOTOCOPY OF THE DEMAND NOTICE DT. 01.01.15 ISSUED BY THE  
RESPONDENT BANK.
- P3: TRUE PHOTOCOPY OF THE REPRESENTATION/OBJECTION DT. 12.1.15  
SUBMITTED BY PETITIONER BEFORE THE RESPONDENT BANK.

**RESPONDENT(S)' EXHIBITS** : NIL.  
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//TRUE COPY//

P.A. TO JUDGE

bp

**A.K.JAYASANKARAN NAMBIAR, J.**

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W.P.(C).No.2378 of 2015

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Dated this the 17<sup>th</sup> day of March, 2015

**J U D G M E N T**

The petitioner, whose daughter had availed of an education loan from the 1<sup>st</sup> respondent bank, defaulted in repayment of the same. It is pointed out that the daughter of the petitioner subsequently committed suicide in 2011. As a result of the death of the petitioner's daughter, the petitioner became liable to repay the loan amounts to the respondent bank. Consequently, the respondent bank initiated proceedings under the Revenue Recovery Act for recovery of the amounts. In the writ petition, the petitioner impugns the steps initiated by the respondent bank for recovery of the loan amounts.

2. I have heard the learned counsel for the petitioner and the learned Standing counsel for the respondents.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I note that the sole prayer of the petitioner is to permit him to remit the balance amounts outstanding to the respondent bank in easy instalments.

Taking into account the plea of financial hardship raised by the petitioner, I dispose the writ petition with the following directions:-

i. The total amount outstanding from the petitioner to the respondent bank in respect of the loan is stated to be Rs.4,36,361/- together with accrued interest. Accordingly, if the petitioner pays the aforesaid amount of Rs.4,36,361/- together with accrued interest in 12 equal and successive monthly instalments commencing from 20.04.2015, then further proceedings for recovery shall be kept in abeyance.

(ii) I make it clear that, during the pendency of the 12 month period granted above, the petitioner will be free to approach the respondent bank with a prayer for waiver of interest/penal interest. If the petitioner prefers such a representation before the bank, the bank shall consider the case of the petitioner favourably in the light of the peculiar circumstances of this case. I make it clear that, if there is any relief extended to the petitioner by the respondent bank, the petitioner will be liable to make payment of only the reduced amounts, pursuant to this judgment.

ii. Subject to what is stated above, if the petitioner commits a default in respect of any

payments as directed in this judgment, he will lose the benefit of this judgment and the respondent bank will be free to continue the recovery proceedings against the petitioner from the stage at which they presently stand.

**A.K.JAYASANKARAN NAMBIAR  
JUDGE**

mns/

